



# राजपत्र, हिमाचल प्रदेश

## (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शनिवार, 5 फरवरी, 1983/16 माघ, 1904

### HIMACHAL PRADESH HIGH COURT

#### NOTIFICATION

*Simla-1, the 10th January, 1983*

**No. HHC. Admn. 22(7)/78.**—In exercise of the powers conferred by sections 14 and 21 of the Hindu Marriage Act, 1955 (Act No. 25 of 1955), and all other powers enabling in this behalf, the High Court of Himachal Pradesh, with the prior approval of the Government of Himachal Pradesh, hereby makes the following rules to regulate the proceedings under the said Act:—

1. *Short title and commencement.*—(1) These rules may be called the 'Hindu Marriage and Divorce (Himachal Pradesh) Rules, 1982'.

(2) These rules shall come into force with effect from the date of their publication in the Himachal Pradesh Rajpatra.

2. *Definitions.*—In these rules,—

(a) 'Act' means the Hindu Marriage Act, 1955 (Act No. 25 of 1955) as amended from time to time;

(b) 'Code' means the Code of Civil Procedure, 1908 as amended or modified from time to time;

- (c) 'Court' means the court mentioned in section 3 (b) of the Act;
- (d) 'Form' means a form appended to these rules;
- (e) 'section' and 'sub-section' means, respectively section and sub-section of the Act;
- (f) all other terms and expressions used herein, but not defined shall have the meaning respectively assigned to them in the Act.

3. *Form of proceedings.*—(1) The following proceedings under the Act shall be instituted by petitions. Each petition shall be numbered as Hindu Marriage Petition No..... of 19.....:—

- (a) under section 9 of the Act for restitution of conjugal rights;
- (b) under sub-section (1) of section 10 for Judicial Separation;
- (c) under sub-section (2) of section 10 for rescinding a decree for judicial separation;
- (d) under section 11 for declaring a marriage null and void;
- (e) under section 12 for annulment of marriage by a decree of nullity;
- (f) under sections 13 and 13(B) for divorce;
- (g) under section 14 for leave to present a petition for divorce before the expiration of one year from the date of marriage;
- (h) under section 25 for the grant of permanent alimony and maintenance;
- (i) under section 26 for making, revoking, suspending or varying orders and provisions with respect to the custody, maintenance and education of minor children.

(2) Every other proceedings subsequent to the petition shall be treated as an inter-locutory application and shall not be registered separately.

4. *Petition.*—(1) Every petition, application, affidavit, decree or order under the Act shall be headed by a cause title in Form I and shall set-forth the provision of the Act and/or the rules under which it is made.

(2) Every petition under the Act shall be accompanied by either a certified extract from the Hindu Marriage Register maintained under section 8 of the Act where the marriage has been registered under the Act or in the absence of the same, an affidavit to the effect that the petitioner was married to the respondent.

(3) Every petition for divorce on any of the grounds mentioned in clauses (i) and (ii) of sub-section (1-A) of section 13 of the Act, shall be supported by certified copy of the decree for judicial separation or for restitution of conjugal rights, as the case may be.

(4) Every petition under the Act shall, so far as practicable, conform to the forms appended to these rules.

5. *Contents of the petition.*—In addition to the particulars required to be given under Order VII, Rule 1 of the Code and section 20(1) of the Act, all petitions under sections 9 to 14 of the Act shall state:—

- (a) the place and date of marriage;
- (b) whether the petitioner and the respondent were Hindus by religion at the time of marriage and whether they continue to be so upto the date of filing of the petition;
- (c) the name, status, domicile of the parties to the marriage before the marriage and at the time of filing the petition;
- (d) the place(s) and addresses where the parties to the marriage have co-habited, including the address at the time of presentation of the petition and where they last resided together;
- (e) where there have been previous proceeding with regard to the marriage by or on behalf of any party, if so, the result of those proceedings;

- (f) whether any children were born of the marriage and, if so, the date and place of birth, name and sex of each child separately and whether alive or dead;
- (g) the matrimonial offences charged or other grounds, upon which relief is sought, setting out with sufficient particularity, the time and place of the acts alleged, and other facts relied upon, but not the evidence by which they are to be proved, e.g.:
  - (i) if the petition is for restitution of conjugal rights, the date on or from which and the circumstances under which respondent withdrew from the society of the petitioner;
  - (ii) if the petition is for judicial separation/divorce by either of the spouse on the ground that the other party has, after the solemnisation of the marriage had voluntarily sexual inter course with any other person other than his or her spouse, the petitioner shall state the name, occupation and place of residence of such person or persons so far as they can be ascertained, the specific act of sexual inter-course and the occasion when and the place where such acts were committed;
  - (iii) in case of the desertion, the date and circumstances in which it began;
  - (iv) in the case of cruelty the specific acts of cruelty and the occasion when and the place where such acts were committed and that the petitioner has not in any manner condoned such acts of the respondent;
  - (v) in a petition for decree of nullity of marriage on the grounds specified in clauses (c) and (d) of sub-section (1) of section 12 of the Act the particulars of force or fraud and the circumstances in which force or fraud had been practised along with the time when the facts relied upon were discovered and whether or not marital inter-course with the consent of the petitioner took place after the discovery of the said facts;
  - (vi) in the case of unsoundness of mind or mental disorder, the time when such mental disorder or unsoundness of mind began to manifest itself and the nature and period of curative steps taken;
  - (vii) in the case of virulent and incurable form of leprosy or venereal disease in a communicable form, when such ailment began to manifest itself and the nature and the period of curative steps taken;
  - (viii) in the case of conversion to another religion or of renouncing the world by entering any religious order, the date of renunciation or conversion and the particulars of religion or of religious order to which the respondent has entered into;
  - (ix) in the petition on the ground specified in clause (vii) of sub-section (1) of section 13, the date and place where the respondent was last seen or heard alive and the steps, if any, taken to ascertain his or her whereabouts;
  - (x) where the petition is founded on any of the grounds specified in clause (ii) of sub-section (2) of section 13 of the Act, the occasion, place where and the name and address of the persons with whom the acts of rape or sodomy were committed or the particulars of the beast with whom the husband had been guilty of bestiality. In case of conviction for committing rape or sodomy, the particulars thereof;
  - (xi) in petition for divorce on the ground specified in clause (iii) of sub-section (2) of section 13 of the Act, particulars of the decree under section 18 of the Hindu Adoptions and Maintenance Act, 1956, or of an order under section 125 of the Code of Criminal Procedure, 1973 together with an affidavit that since the passing of such decree or order, there has been no co-habitation between the parties for a period of one year or upwards;
  - (xii) in the case of a petition under clause (iv) of sub-section (2) of section 13 of the Act, the date and place of birth of the wife together with the date and place of repudiation and its mode;
  - (xiii) the property mentioned in section 27 of the Act if any;
  - (xiv) the relief or reliefs prayed for.

6. *Affidavits.*—(1) Every petition under section 13(B) of the Act, the grounds of consent for divorce narrated in the petition shall be supported by separate affidavits of the parties stating that the consent has not been obtained by force, fraud or undue influence.

(2) Every petition except petitions under sections 11 and 13-B, shall be accompanied by an affidavit to the effect that it is not presented or prosecuted in collusion with the respondent.

(3) The petition for divorce/judicial separation on the ground that the other party has, after the solemnisation of the marriage, had voluntary sexual intercourse with any person other than his or her spouse, shall be supported by an affidavit to the effect that the petitioner has not, in any manner, been an accessory to or connived at or condoned the act or acts complained of.

(4) The petition on the ground specified in clause (1-a) of sub-section (1) of section 13 or on the ground of cruelty, shall be accompanied by an affidavit to the effect that the petitioner has not condoned the act complained of.

(5) Every petition under clause (i) of sub-section (1-A) of section 13 of the Act, shall be accompanied by an affidavit made by the petitioner that there has been no resumption of co-habitation as between the parties to the marriage for a period of one year or upwards after the passing of a decree for judicial separation in the proceedings to which they were parties.

(6) Every petition under clause (ii) of sub-section (1-A) of section 13 of the Act shall be accompanied by an affidavit made by the petitioner to the effect that there has been no restitution of conjugal rights as between the parties to the marriage for a period of one year or upwards after the passing of a decree for restitution of conjugal rights in the proceedings to which they were parties.

7. *Necessary parties.*—(1) In every petition for judicial separation or divorce on the ground that the respondent has, after the solemnisation of marriage had voluntary sexual intercourse with any person other than his/her spouse, the petitioner shall make the alleged adulterer or adulteress a co-respondent:

Provided that the joinder of such adulterer or adulteress as a co-respondent may be dispensed with by the Court, on the application of the petitioner on the following grounds:—

(a) that the name of such person is unknown to the petitioner although he/she made due efforts for discovery;

(b) that such person is dead;

(c) that the respondent is leading a life of a prostitute and that the petitioner knows of no person with whom voluntary sexual intercourse has been committed; or

(d) any other reason that the Court considers sufficient.

(2) In every petition under section 13 of the Act, on the ground that the respondent had a spouse living at the time of his/her marriage with the petitioner, such other spouse shall be made a co-respondent.

(3) In every petition under section 13 of the Act, the petitioner shall make "the other person" mentioned in that section a co-respondent.

8. *Petitions by or against a person suffering from mental disorder.*—A person suffering from mental disorder shall be treated in all respects as a person of sound mind for the purposes of Order XXXI of the Code.

9. *Petition of minor.*—Where the petitioner is a minor, his petition shall be presented through his/her next friend, to be approved by the Court, and no petition under the Act shall be filed on behalf of the minor.

shall be filed until the next friend has undertaken in writing to be liable for costs. Such undertaking shall be filed in Court along with the petition, and the next friend shall thereupon be liable for costs in the same manner and to the extent as if he were a plaintiff in an ordinary suit.

(2) Every petition on behalf of the minor shall be supported by an affidavit of the next friend stating:—

- (a) the age and date of birth of the minor;
- (b) that the next friend has no interest adverse to that of the minor;
- (c) that the next friend is a fit and proper person to act as such; and
- (d) the relationship, if any, of the next friend with the minor.

(3) The Court shall, on consideration of the affidavit and such other evidence, as it may require, record its approval to the representation of the minor by the next friend or pass such orders as it may deem fit.

10. *Presentation of petition.*—Every petition or application under the Act shall be presented to the Court in person or through Advocate or Pleader or a Recognised Agent.

11. *Notice to respondent.*—(1) A notice of every petition or application under the Act shall be issued to the respondent(s) in Form II to appear and answer the claim on a day to be specified therein:

Provided that no such notice would be necessary when the respondent appears, either in person or through counsel or Agent, at the time of presentation of the petition or application.

(2) Every notice issued under sub-rule (1) above shall be accompanied by a copy of the petition or application and the affidavit, if any. The petitioner or applicant shall, along with the petition or application, file the required number of copies of the petition or application and the affidavit, if any, together with the process fee prescribed under the law.

12. *Application for leave.*—(1) Every application under section 14 of the Act for Leave shall be supported by an affidavit of the applicant stating:—

- (a) the grounds on which the application is made;
- (b) the particulars of the exceptional hardship and depravity alleged;
- (c) whether there has been any previous application under the said section, if so, with what result;
- (d) whether there are living children of the marriage, if so, the names and dates of birth or ages of such children, sex and where and with whom such children are residing;
- (e) whether there has been any attempt at reconciliation;
- (f) the circumstances which may assist the court to determine the question whether there is a reasonable probability of a reconciliation between the parties.

(2) Notice of the application shall be given to the respondent who may contest the same by filing counter-affidavit.

(3) Evidence, if any, in support or against the application may, unless the court otherwise directs, be given by affidavits.

(4) The court may, if necessary in exceptional circumstances, either of its own motion or on the application of the party, order a deponent to be cross-examined on his/her affidavit.

(5) Every application under section 14 of the Act, shall be accompanied by the petition intended to be filed.

(6) On the leave having been granted by the Court, the petition shall be deemed to have been duly filed on the date of the said order, provided the court fee thereon is paid within the time allowed by the Court.

13. *Contents of written statement.*—(1) Every written statement in answer to a petition shall set out the particulars, as far as may be, set out in rule 5 above.

(2) Where a counter-claim is made in terms of section 23-A of the Act, it shall comply with the rules applicable to the petition on the like grounds.

14. *Intervenor's petitions.*—(1) Unless the court for good cause shown otherwise directs, where the written statement of the respondent alleges adultery by the petitioner with a named man or woman, a certified copy of such statement or such material portion thereof containing such allegations shall be served on such man or woman accompanied by a notice that such person is entitled within the time therein specified to apply for leave to intervene in the case.

(2) Every application for leave to intervene in the case shall be accompanied by an affidavit of the intervenor.

(3) Notice of the application together with a copy of the application and affidavit shall be served on all parties who shall be at liberty to file counter-affidavits.

(4) If, after hearing all the parties, the court grants leave, the intervenor may take part in the trial subject to such terms and conditions as the court may deem fit to impose.

(5) A person to whom leave to intervene has been granted, may file in the court an answer to the petition or written statement containing the charges against such intervenor.

(6) Thenceforth the intervenor shall be treated as a party to the proceedings and shall be liable or entitled to costs, as the case may be, according to law.

15. *Mode of taking evidence.*—The witnesses in all proceedings under the Act before the court shall be examined orally and any party may offer himself or herself as a witness and shall be examined and may be cross-examined and re-examined like any other witness.

16. *Applications for alimony and maintenance.*—Every application for maintenance *pendente lite*, permanent alimony and maintenance or for custody, maintenance and education expenses of minor children shall be supported by an affidavit and shall state:—

- (a) the average monthly income of the petitioner;
- (b) the sources of their income;
- (c) particulars of other moveable and/or immoveable property owned by them jointly or severally;
- (d) the details of liabilities, if any, along with the number of their dependents, if any, and the names and ages of such dependents.

17. *Custody of children.*—The petitioner or respondent spouse or the guardian of any child of marriage may, at any time, either before or after the decree, apply to the Court for the custody or education of the children of the marriage and the court may pass such orders as may be deemed fit subject to the provisions of section 26 of the Act.

18. *Costs against co-respondent.*—(1) The Court may also direct the whole or any part of the costs of the petition be paid by the co-respondent:

Provided that a co-respondent shall not be ordered to pay the petitioner's costs:—

- (a) if the co-respondent had, at the time of commission of such acts, no reasons to

believe the respondent to be a married woman; or  
(b) if the respondent-wife, at the time of voluntary intercourse, was living apart from her husband and leading the life of a prostitute.

(2) The court may assess costs and make an order for payment thereof notwithstanding that the respondent or the co-respondent or both of them have remained *ex parte*.

19. *Pleadings' fee*.—Pleader's fee may be fixed by the court as it may consider appropriate taking into consideration the nature of the proceedings and the status of the parties.

20. *Taxation of costs*.—Unless otherwise directed by the Court, the costs of the petition under the Act shall be costs as taxed in a civil suit.

21. *Register to be maintained*.—Every court shall maintain a register in which the details regarding petitions shall be entered and shall conform to civil register No. III maintained for Divorce and Matrimonial cases.

22. *Supply of certified copies*.—(1) In every case where a marriage is dissolved by a decree of divorce, the court passing the decree shall give a copy thereof free of cost to each of the parties. The copy so supplied shall be authenticated as "true copy" by the Reader of the Court passing the decree.

(2) The court shall maintain a register where the particulars of the decree shall be incorporated and signatures of the parties or their Advocates or agents shall be obtained in token of their having received a copy of the decree.

(3) The court shall send a certified copy of every decree for divorce or nullity of marriage or dissolution of marriage, where the marriage had been registered under section 8 of the Act, to the Registrar of Marriages in charge of the Hindu Marriage Act Register, if any.

23. *Forms*.—The forms given in the Appendix to these rules shall, with such modifications and variations as the circumstances of each case may require, be used in the proceedings under the Act.

24. *Trial*.—The trial of a petition under the Act, so far as is practicable, be continued from day to day until its conclusion and every endeavour shall be made to conclude the trial within six months from the service of the notice of the petition on the respondent.

25. *Appeal*.—Appeals to the High Court from the decrees and orders of the Court shall be governed by the appellate side rules of the High Court as far as they may be applicable.

26. *Repeal*.—The rules framed by the erstwhile court of Judicial Commissioner, Himachal Pradesh, as published under notification No. JC. 16 (148)-59, dated 17th December, 1959 and the rules contained in Chapter I-E, Part-E, Vol. II, of the Punjab High Court Rules and Orders, as applicable to Himachal Pradesh, shall stand repealed.

By order of the Court,  
R. L. KHURANA,  
Registrar.



## FORM NO. 1

In the Court of..... at.....

H.M. Petition No..... of 19.....

In the matter of Hindu Marriage Act, 1955

A.B. ....Petitioner.

*Versus*

C.D. ....Respondent.

...Co-respondent.

Petition under section.....of the Hindu Marriage Act,  
1955 and Rule.....of the Rules under the  
Hindu Marriage Act.

## FORM NO. 2

In the Court of..... at.....

H.M. Petition No..... of 19.....

In the matter of Hindu Marriage Act, 1955

.....Petitioner.

*Versus*

.....Respondent(s).

To

Take notice that the petitioner.....  
above named, has presented a petition/application against you for.....  
under section.....of the Hindu Marriage Act, 1955 (Act No. 25 of 1955). Copy of the said  
petition/application is sent herewith.

You are hereby directed to appear in this Court on.....day of  
.....19.....at 10 A.M. to answer  
the said petition/application either in person or by a recognised agent or an Advocate duly  
instructed and able to answer all material questions relating to the case and you are further directed  
to produce on that day all the documents upon which you intend to rely in support of your  
defence. Written statement/reply, if any, be filed on the said date.

You are further informed that in default of your appearance on the day and in the manner  
above mentioned, the petition/application shall be heard and determined *ex-parte*.

Given under my hand and seal of the Court, this.....day of.....  
19.....

Judge.

At.....



FORM NO. 3

In the District Court at.....

Petitioner.

*Versus*

Respondent.

Petition for restitution of conjugal rights under section 9 of the Hindu Marriage Act, 1955  
(No. 25 of 1955).

The petitioner prays as follows:—

1. A marriage was solemnised between the parties on.....at  
.....A certified extract from the Hindu Marriage  
Register/an affidavit duly attested is filed herewith.

2. The status and place of residence of the parties to the marriage before the marriage and  
at the time of filing the petition were as follows:

	Husband		Wife	
	Status	Place of residence	Status	Place of residence
(i) Before marriage				
(ii) At the time of filing the petition.				

[Whether a party is a Hindu by religion or not is a part of his or her status. Also state whether bachelor/spinster, widow(er) or divorcee].

3. [In this paragraph particulars and place(s) of cohabitation as husband and wife and the children from the marriage, if any, may be given. The date and place of birth and name and sex of each child and the fact whether alive or dead should also be stated]

4. The respondent has, without reasonable excuse, withdrawn from the society of the petitioner with effect from.....(cause of the estrangement, as known to the petitioner may be stated).

5. The petition is not presented in collusion with the respondent.

6. There has not been any unnecessary or improper delay in filing this petition.

7. There is no other legal ground why relief should not be granted.

8. There has not been any previous proceeding with regard to the marriage by or on behalf of any party,

or

There have been the following previous proceedings with regard to the marriage by or on behalf of the parties:

Sl. No.	Name of parties	Nature of proceedings with section of the Act	Number & date and year of the case	Name and location of court	Result
1.					
2.					
3.					
4.					

9. The marriage was solemnised at.....

Or

The husband and wife resided at.....

Or

The husband and wife last resided together at.....  
within the local limits of the ordinary original civil jurisdiction of this Court.

10. The petitioner prays for a decree for restitution of conjugal rights against the respondent.

Sd/-  
Petitioner.

### VERIFICATION

The above named petitioner states on solemn affirmation that paras 1 to.....of the petition are true to the best of the petitioner's information and belief.

Verified at.....(Place)

Dated.....

Sd/-  
(Petitioner).

FORM NO. 4

In the District Court at.....

Petitioner.

Versus

Respondent.

Co-respondent.

Petition for judicial separation under section 10 of the Hindu Marriage Act, 1955 (25 of 1955)

The petitioner prays as follows:—

1. A marriage was solemnised between the parties on.....at  
.....A certified extract from the Hindu Marriage Register/an affidavit,  
duly attested is filed herewith.

2. The status and place of residence of the parties to the marriage before the marriage and at the time of filing the petition were as follows:—

	Husband		Wife	
	Status	Place of residence	Status	Place of residence
1. Before marriage				
2. At the time of filing the petition.				

(Whether a party is a Hindu by religion or not is a part of his or her status).

3. [In this paragraph particulars and place(s) of cohabitation as husband and wife and the children from the marriage, if any, may be given. The date and place of birth and name and sex of each child and the fact whether alive or dead should also be stated].

4. The respondent has.....(any one or more of the grounds specified in section 10 may be pleaded here. The matrimonial offences charged should be set in separate paragraphs, with times and places of their alleged commission. The facts on which the claim to relief is founded should be stated as distinctly as the nature of the case permits. If adultery is pleaded, the petitioner should give particulars, as nearly as he can of the acts of adultery alleged to have been committed).

5. [Where the ground of petition is the ground specified in section 13(1)(i), the petitioner should state that he has not in any manner been accessory to or connived at or condoned the act(s) complained of].

6. (Where the ground of petition is cruelty). The petitioner has not in any manner condoned the cruelty.

7. The petition is not presented in collusion with the respondent.

8. There has not been any unnecessary or improper delay in filing this petition.

9. There is no other legal ground why the relief should not be granted.

10. There has not been any previous proceedings with regard to the marriage by or on behalf of any party,

or

There have been the following previous proceedings with regard to the marriage by or on behalf of the parties:—

Sl. No.	Name of parties	Nature of proceedings with section of the Act	Number and year of the case	Name and location of court	Result

11. The marriage was solemnised at.....  
 or  
 The husband and wife resided at.....  
 or  
 The husband and wife last resided together at..... within the  
 local limits of the ordinary original civil jurisdiction of this Court.
12. The petitioner, therefore, prays for a decree for judicial separation against the respondent.

Sd/-  
 Petitioner.

### VERIFICATION

The above named petitioner states on solemn affirmation that paras 1 to..... of  
 the petition are true to the best of petitioner's information and belief.

Verified at.....

Sd/-  
 Petitioner.

FORM No. 5

In the District Court at.....  
 ..... Petitioner.

Versus

Respondent.

Petition for a decree of nullity of marriage under section 11 of the Hindu Marriage Act,  
 1955 (No. 25 of 1955)

The petitioner prays as follows:—

1. A marriage was solemnised between the parties after the commencement of the Hindu  
 Marriage Act on..... at.....  
 certified extract from the Hindu Marriage Register/affidavit duly attested, is filed herewith.

2. The status and place of residence of the parties to the marriage before the marriage and  
 at the time of filing the petition were as follows:—

	Husband		Wife	
	Status	Place of residence	Status	Place of residence
1. Before marriage				
2. At the time of filing the petition				

(Whether a party is a Hindu by religion or not is a part of his or her status).

3. [In this paragraph particulars and place(s) of co-habitation as husband and wife and the  
 children from the marriage, if any, may be given. The date and place of birth and name and sex  
 of each child and the fact whether alive or dead should also be stated].

4. The respondent had a spouse living at the time of the marriage (State full particulars).  
 or

The parties are within the degrees of prohibited relationship and there is no custom or  
 usage governing each of them which permits of a marriage between the two. (Exact relationship  
 between the parties should be given).

or

The parties are spindas of each other and there is no custom or usage governing each of them which permits of a MARRIAGE between the two. (Exact relationship between the parties should be specified).

(One or more of the above grounds may be pleaded and portions which are not applicable should be scored out. Facts on which the claim to relief is founded should be stated as distinctly as the nature of the case permits. The Matrimonial offences charged should be set in separate paragraph with times and places of their alleged commission).

5. There has not been any unnecessary or improper delay in filing the petition.

6. There is no other legal ground why the relief should not be granted.

7. There has not been any previous proceedings with regard to the marriage by or on behalf of any party.

or

There have been the following previous proceedings with regard to the marriage by or on behalf of the parties:—

Sl. No.	Name of parties	Nature of proceedings with section of the Act	Number and year of the case	Name and location of court	Result
1.					
2.					
3.					
4.					

8. The marriage was solemnised/parties reside/parties last resided together at..... within the local limits of the ordinary original civil jurisdiction of this Court.

9. The petitioner, therefore, prays that the marriage solemnised between the parties being null and void may be so declared by the court by a decree of nullity.

Sd/-  
Petitioner.

### VERIFICATION

The above named petitioner states on solemn affirmation that paras 1 to..... of the petition are true to the best of the petitioner's information and belief.

Verified at.....(Place).

Dated.....

Sd/-  
Petitioner.

## FORM NO. 6

In the Court at.....  
.....

Petitioner.

Versus

Respondent.

Petition for the annulment of a marriage under section 12 of the Hindu Marriage Act, 1955 (No. 25 of 1955).

The petitioner prays as follows:—

1. A marriage was solemnised between the parties on.....at.....  
A certified extract from the Hindu Marriage Register/an affidavit duly attested, is filed herewith.
2. The status and place of residence of the parties to the marriage before the marriage and at the time of filing the petition were as follows:—

	Husband		Wife	
	Status	Place of residence	Status	Place of residence
1. Before marriage				
2. At the time of filing the petition				

(Whether a party is a Hindu by religion or not is a part of his or her status).

3. [In this paragraph particulars and place(s) of cohabitation as husband and wife and the children from the marriage, if any may be given. The date and place of birth and name and sex of each child and the fact whether alive or dead should also be stated].

4. The respondent was impotent at the time of the marriage and continued to be so until the institution of these proceedings.

or

The respondent was an idiot/lunatic at the time of marriage.

or

The consent of the petitioner/guardian of the petitioner was obtained by force/fraud and the petition is presented within one year after the force has ceased to operate/fraud had been discovered and the petitioner has not with his/her full consent, lived with the other party to the marriage as husband/wife after the force has ceased to operate/fraud had been discovered.

or

The respondent was at the time of the marriage pregnant by some person other than the petitioner and the petitioner was at the time of marriage ignorant of this fact and the proceedings have been instituted within one year from the date of the marriage and marital intercourse with the consent of the petitioner has not taken place since the discovery by the petitioner of the existence of respondent's pregnancy by some person other than the petitioner.

(One or more of the above grounds may be pleaded and the portions which are not applicable should be scored out. Facts on which the claim to relief is founded should be stated as distinctly as the nature of the case permits. The matrimonial offence charged should be set in separate paragraphs with the time and place of their alleged commission).

5. The petition is not instituted in collusion with the respondent.
6. There has not been any unnecessary or improper delay in filing this petition.
7. There is no other legal ground why the relief should not be granted.
8. There has not been any previous proceeding with regard to the marriage by or on behalf of any party.

or

There have been the following previous proceedings with regard to the marriage by or on behalf of the parties:—

Sl. No.	Name of parties	Nature of proceedings with section of the Act	Number and year of the case	Name and location of court	Result
1.					
2.					
3.					
4.					

9. The marriage was solemnised/the parties reside/the parties last resided together at.....within the limits of ordinary original civil jurisdiction of this Court.

10. The petitioner, therefore, prays that the marriage between the parties being voidable may be annulled by the court by a decree of nullity.

Sd/-  
Petitioner.

### VERIFICATION

The above named petitioner states on solemn affirmation that paras 1 to.....of the petition are true to the best of the petitioner's information and belief.

Verified at.....(Place):

Dated.....

Sd/-  
Petitioner.



## FORM No. 7

In the District Court at.....

Petitioner.

Versus

Respondent.

Co-respondent.

Petitioner for dissolution of marriage by a decree for divorce under section 13 of the Hindu Marriage Act, 1955 (No. 25 of 1955).

The petitioner prays as follows:—

1. A marriage was solemnised between the parties on.....at.....  
A certified extract from the Hindu Marriage Register/an affidavit, duly attested, is filed herewith.
2. The status and place of residence of the parties to the marriage before the marriage and at the time of filing the petition were as follows:—

	Husband		Wife	
	Status	Place of residence	Status	Place of residence
1. Before marriage				
2. At the time of filing the petition				

(Whether a party is a Hindu by religion or not is a part of his or her status).

3. [In this paragraph particulars and place(s) of co-habitation as husband and wife and the children from the marriage, if any, may be given. The date and place of birth and name and sex of each child and the fact whether alive or dead, should also be stated].

4. The respondent.....[One or more of the grounds specified in section 13 may be pleaded here. The facts on which the claim to relief is founded should be stated as distinctly as the nature of the case permits. If adultery is pleaded the petitioner should give particulars as nearly as he can, of the acts of adultery alleged to have been committed. The matrimonial offences charged should be set in separate paragraphs, with the times and places of their alleged commission. If the ground specified in clause (viii) of section 13 (1) is pleaded the petition should be accompanied by an affidavit of the petitioner to the effect that he or she has not resumed cohabitation for a period of one year or upwards of the passing of the decree for judicial separation].

5. [Where the ground of petition is the ground specified in clause (i) of sub-section (1) of section 13 the petitioner has not in any manner been accessory to or connived at or condoned the act(s) complained of].

6. (Where the ground of petition is cruelty). The petitioner has not in any manner condoned the cruelty.

7. Any other ground mentioned in section 13.
8. The petition is not presented in collusion with the respondent.
9. There has not been any unnecessary or improper delay in filing this petition.
10. There is no other legal ground why the relief should not be granted.
11. There has not been any previous proceeding with regard to the marriage by or on behalf of any party.

or

There have been the following previous proceedings with regard to the marriage by or on behalf of the parties:—

Sl. No.	Name of parties	Nature of proceedings with section of the Act	Number and year of the case	Name and location of court	Res
1.					
2.					
3.					
4.					

12. The marriage was solemnised/the husband and the wife reside/the husband and wife last resided together at.....within the limits of the ordinary original civil jurisdiction of this Court.

13. The petitioner, therefore, prays that the marriage between the petitioner and the respondent may be dissolved by a decree of divorce.

Sd/-  
Petitioner.

### VERIFICATION

The above named petitioner states on solemn affirmation that paras 1 to .....of the petition are true to the best of the petitioner's information and belief.

Verified at .....(Place).

Dated.....

Sd/-  
Petitioner.

FORM NO. 8

In the District Court at .....

.....Applicant.

Versus

.....Respondent.

Application under section 14 of the Hindu Marriage Act, 1955 (No. 25 of 1955) praying that petition of divorce may be allowed to be presented before one year has elapsed since the date of marriage.

The applicant prays as under:—

1. A marriage was solemnised between the parties on .....  
at..... A certified  
extract from the Hindu Marriage Register/An affidavit, duly attested is filed herewith.

2. The status and place of residence of the parties to the marriage before and at the time of filing the petition were as follows:—

	Husband		Wife	
	Status	Place of residence	Status	Place of residence
1. Before marriage ..				
2. At the time of filing the petition ..				

3. [In this paragraph particulars and place(s) of cohabitation between husband and wife and the children from the marriage, if any, may be given. The date and place of birth and name and sex of each child and the fact whether alive or dead should also be stated].

4. This is a case of exceptional hardship to the petitioner/exceptional depravity on part of the respondent as (state as distinctly as the nature of the case permits the particulars about the exceptional hardship or depravity, as the case may be).

5. The marriage was solemnised/the parties reside/ the parties last resided together at.....  
..... within the original civil jurisdiction of this Court.

6. The applicant, therefore, prays that he/she may be allowed to present a petition for divorce before one year has elapsed since the date of marriage.

Sd/-  
Petitioner.

#### VERIFICATION

The above named applicant states on solemn affirmation that paras 1 to .....  
of the petition are true to the best of the applicant's information and belief.

Verified at .....(Place).

Dated.....

Sd/-  
Applicant.

FORM No. 9

In the District Court at.....  
 .....Applicant.

*Versus*

.....Respondent.

Application for maintenance pendente lite and for expenses of proceedings under section 24 of the Hindu Marriage Act, 1955 (No. 25 of 1955).

The applicant prays as follows:—

1. A proceeding for.....under section.....  
 of the Hindu Marriage Act, 1955, is pending between the parties in this Court. The particulars are as follows:—

No. & Year of the case	Name of parties	Next date of hearing	Remarks

2. The applicant owns no other moveable or immoveable property and has no other source of income except.....(give particulars of the petitioners property and income).

3. The applicant has no independent income sufficient for his/her support and the necessary expenses of the proceedings. No provision has been made by respondent for the maintenance of the petitioner.

4. The respondent has sources of income and owns property mentioned below:—  
 ..... (give full particulars about respondent's income and property).

5. The only person dependent upon the respondent is the petitioner himself/herself or the petitioner and .....(give the details of the liabilities, if any, of the parties alongwith the details of dependents, if any, with the names, sex and ages of such dependents).

6. The petitioner prays that the respondent should be ordered to pay a sum of Rs..... as the petitioner's expenses of the proceedings and a sum of Rs. ....monthly for petitioner's maintenance during the proceedings.

Sd/-  
 Petitioner.

VERIFICATION

The above named applicant states on solemn affirmation that paras 1 to .....of the petition are true to the best of the petitioner's information and belief.

Verified at .....(Place).

Dated.....

Sd/-  
 Applicant.

## FORM No. 10

In the District Court at .....  
 .....Applicant.

*Versus*

.....Respondent.

Application for permanent alimony and maintenance under section 25 of the Hindu Marriage Act, 1955 (No. 25 of 1955).

The applicant prays as follows:—

1. A proceeding between the parties for .....under section.... of the Hindu Marriage Act, 1955 is pending/in/was decided by this Court, particulars of which are given below:—

Number and year of case	Name of parties	Date of decision or next hearing	Remarks

2. The applicant owns no other moveable or immovable property and has no other source of income except.....(give full particulars about respondent's income and property). No provision has been made by the respondent for the maintenance of the petitioner.

3. The respondent has sources of income and owns property mentioned below:—  
 .....(Give full particulars about respondent's income and property).

4. The applicant has not remarried and has not been guilty of any conduct which disentitle him/her to received maintenance from the respondent.

5. Th petitioner prays that the respondent should be ordered to pay a sum of Rs..... petitioner's expenses of the proceedings and a sum of Rs.....monthly for potitioner's maintenance during the proceedings.

6. The applicant prays that having regard to the income of the parties and their conduct, and other circumstances of the case, the respondent may be ordered to pay to the petitioner for his/her maintenance and support untill death or remarriage a gross/monthly/periodical sum of Rs.... and (score out if not necessary) such payment may be secured by a charge on the immovable property of the respondent.

Sd/-  
 Applicant.

### VERIFICATION

The above named applicant states on solemn affirmation that paras 1 to ..... of the petition are true to the best of the applicant's information and belief.

Verified at ..... (Place).

Dated.....

Sd/-  
 Applicant.

FORM No. 11

In the District Court at .....  
in the matter of :

.....Petitioner.

*Versus*

.....Respondent.

Petition for dissolution of marriage by a decree of divorce by natural consent, as provided under section 13 (B) (1) of the Hindu Marriage Act, 1955, as amended by (Act 48 of 1976). The Marriage Laws (Amendment) Act, 1976.

The petitioner and the respondent both pray as follows:—

1. A marriage was solemnised between them (petitioner and respondent) at.....  
on..... according to Hindu rites, their affidavits to  
that effect are enclosed (or a certified copy of the extract from the Hindu Marriage Register  
is filed here with).

2. That the status and place of residence of the parties to the marriage, before the marriage  
and at the time to filing the petition were as follows:—

	Husband		Wife	
	Status	Place of residence	Status	Place of residence
1. Before marriage ..				
2. At the time of filing the petition ..				

(Whether a party is a Hindu by religion or not is a part of his or her status).

3. [In this paragraph particulars and place(s) of stay and cohabitation as husband and wife and the children from the marriage, if any, may be given. The date and place of birth and name and sex of each child, and the fact whether alive or dead should also be stated].

4. That the parties to the petition have been living separately since.....  
and have not been able to live together since then.

5. That the parties have mutually agreed that their marriage should be dissolved.

6. That the consent has not been obtained by force, fraud or undue influence.

7. That there have not been an unnecessary or improper delay in the institution of the proceedings.

8. That there is no other legal ground why the relief prayed for should not be granted.
9. That there has not been any previous proceedings between the parties with regard to the marriage.
- OR
- That there has been the following previous proceedings between the parties with regard to marriage :—

S. No.	Name of parties	Nature of proceeding with section of the Act	Number & year of the case	Name of the court	Result of decision	with date of decision
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10. That the marriage was solemnised at ..... The parties last resided together at ..... The parties are now residing at ..... within the local limits of ordinary jurisdiction of this Court. The Court has jurisdiction to entertain this petition.

11. The parties, therefore, pray that the marriage between them may be dissolved by a decree of divorce.

Sd/-  
Petitioner

Sd/-  
Respondent.

#### VERIFICATION

The above named parties state on solemn affirmation that paras 1 to ..... of the petition are true to their knowledge and paras ..... to ..... are true to their information received and believed by them to be true.

Verified at ..... (Place).  
Dated .....

Sd/-  
Petitioner.

Sd/-  
Respondent.



FORM No. 12

In the Court of ..... at .....

H. M. Misc. a Petition No. .... of 19 .....

In the matter of Hindu Marriage Act, 1955.

..... Petitioner.

*Versus*

..... Respondent.

This petition coming on for final hearing before this Court in the presence of Shri. .... Advocate, for the petitioner and Shri. .... Advocate, for the respondent, the Court being satisfied that (here set out all or any of the ground specified in Section 23 of the Act, as the particular case may require which the court considers exist for granting relief) it is ordered and decreed that (here give the description of the order).

Given under my hand and the seal of the Court this ..... day of ..... 19 .....

Seal.

District Judge.

